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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,827	04/16/2001	Michael S. Reedy	1580-2	5541

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 08/26/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/835,827	Applicant(s)	REEDY, MICHAEL S.
Examiner		Art Unit	
	Marianne S. Ocampo	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 15 January 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-11, 18 and 20 is/are allowed.

6) Claim(s) 12, 13 and 19 is/are rejected.

7) Claim(s) 14-17 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 January 2002 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

1. The abstract of the disclosure is objected to because it has a length of more than the limit of 150 words and/or more than 15 lines. Correction is required. See Revised Rule § 1.72(b) which had been effective March 1, 2001 and had been summarized as follows :

*“The word length of the abstract, for consistency with PCT, is required not to exceed 150 words, replacing the MPEP 608.01(b) range of 50-250 words. “*

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the pair of sluice manifolds clearly in Figs. 1 and 5, as described in the specification, pages 4 - 5. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19 is deemed indefinite because it is unclear what limitation is being added by the claim. Is it adding a means for removably securing the one or more leaf bars to the spacer tab? Or adding a functional step? The “wherein clause” usually is followed by some structural or functional feature not yet claimed, but it is missing in this instance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stafford (US 2,885,082) in view of Plaisier (WO 95/19214).

7. Concerning claim 12, Stafford disclose a split leaf element (13) for use in forming a split leaf assembly in a split leaf filter (10), the split leaf element (13) comprising a first edge section (at 45 degrees from the point where support bar 12 contacts the element 13, in the vicinity of sump 31) adapted to mount to an outlet manifold (31, 16) in the split leaf filter (10), a second edge section (about 90 degrees from the first edge section) generally parallel to the first edge section, a third edge section (near 15) adapted for interconnection with a third edge of a split leaf element (13) of an adjacent (upper or lower) split leaf assembly in the split leaf filter (10), and a fourth edge section (in the vicinity of members 37, 38) that is adapted to be arranged in adjacent parallel relationship along the substantial entirety thereof with a corresponding fourth edge section of a mating split leaf element (one adjacent thereto on the right/left, 13) of a common split leaf assembly, as in figs. 1 - 5 and cols. 1 - 4 (note: Although Stafford showed only a semi-circular configuration, the split leaf filter elements could have other configurations including rectangular shapes, as in col. 1, lines 50 - 53). Stafford fails to disclose the second edge section being adapted to mount to a vibrator. Plaisier teaches a rectangular-shaped filter leaf element for use in a leaf filter similar to that of Stafford, wherein the filter leaf element having a first edge section adapted to mount to an outlet manifold (4, 3) in the leaf filter, a second edge (having the connection means 7) generally parallel to the first edge section being adapted to mount to a vibrator, as in the figure and page 3 of the specification. It is considered obvious to

one of ordinary skill in the art at the time of the invention to modify the split leaf filter element of Stafford, by adding the embodiment (a second edge section capable of being mounted to a vibrator) taught by Plaisier, in order to provide an alternative design for each of the split leaf elements of Stafford, thereby giving the leaf elements an alternative means for removing filter cakes on them/different cleaning means for the split leaf filter.

8. With respect to claim 13, Stafford further discloses the first edge section having a filtrate discharge nozzle (31) mounted thereto for connection to the outlet manifold (16), as in figs. 3 and 5.

***Allowable Subject Matter***

9. Claims 1 – 11, 18 and 20 are allowed over prior art. Claims 14 – 17 are objected to as being dependent upon the rejected base claim 12, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 19 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art are Stafford (082) and Plaisier (WO 214). However, none of these prior art and those searched have disclosed or rendered obvious a split leaf filter having the limitations of split leaf assemblies comprising at least two split leaf elements arranged in coplanar relationship, wherein each leaf element having a second edge section generally parallel to a first edge section which is connected to the at least one outlet manifold in the filter shell and a vibrator bar disposed in the filter shell and the second edge section of each split leaf element being connected to the vibrator bar, as recited in claim 1, and a split leaf element having the limitation of the second edge having a retainer stud mounted thereto for connection with a retainer bar that mounts to a vibrator bar, as in claim 14, and a split leaf element having the limitation of the third edge section having at least one leaf spacer tab mounted thereto and the spacer tab having at least one aperture therein for receiving a leaf spacer bar that interconnects a set of split leaf assemblies in the split leaf filter, as in claim 16, and a split leaf assembly kit comprising a pair of split leaf elements wherein each split leaf element has one or more leaf spacer bars, a stud secured to a second edge section thereof and adapted for connection to a top retainer member and a spacer tab secured to a third edge section thereof wherein the spacer tab is apertured to receive a leaf spacer bar, as in claim 18 and a split leaf filter having the limitations of a filter shell, a vibrator bar extending longitudinally in the filter shell, a longitudinal array of parallel spaced split leaf element pairs disposed in the filter shell wherein each split leaf element pair having two symmetrical split leaf elements arranged in coplanar side by side relationship at mutually adjacent edge sections thereof and each split leaf element having a retainer stud extending from a

second edge section thereof, a top retainer removably mounted to the retainer stud and being centrally connected to the vibrator bar, as in claim 20.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2,207,618 (Grill et al.) and GB 2,096,480 (Longman et al.).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*MSO*  
M.S.O.  
August 22, 2002

*M. Savage*  
MATTHEW O SAVAGE  
PRIMARY EXAMINER